IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7863 of 2000
with
SPECIAL CIVIL APPLICATION No 4775 of 2000
AND
SPECIAL CIVIL APPLICATION No 7865 OF 2000
with
SPECIAL CIVIL APPLICATION No 4772 of 2000

For Approval and Signature: Sd/-

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

STATE OF GUJARAT
Versus
RAJUBHAI RANCHHODBHAI VANKAR

Appearance:

1. Special Civil Application No. 7863 of 2000
MR RV DESAI AGP for Petitioner
MR KS JHAVERI for Respondent No. 1

2. Special Civil Applications Nos.4775 of 2000
MR DILIP B RANA for Petitioner
MR RV DESAI AGP for Respondent

3. Special Civil Application No. 7865 of 2000
MS DS PANDIT AGP for Petitioner

MR KS JHAVERI for Respondent No. 1

4. Special Civil Application No.4772 of 2000
MR DILIP B RANA for Petitioner
MS DS PANDIT AGP for Respondent

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 07/09/2000

ORAL JUDGEMENT

1. RULE in Special Civil Applications Nos.7863 of 2000 and 7865 of 2000. The learned counsel for the respondent in these petitions waives service of Rule.

2. Special Civil Application No.7865 of 2000 and Special Civil Application No.4772 of 2000 arising from the same award of the Labour Court, Vadodara and Special Civil Application No.7863 of 2000 and Special Civil Application No.4775 of 2000 arising from another award of the same Court are heard together and disposed by this common judgment by consent of the parties.

3. These cross petitions are filed by the workmen and the employer, which is the State Government, wherein the petitions filed by the employer challenge the award for reinstatement with full backwages to the workmen and the workmen's petitions are for implementation of the award. By virtue of the earlier interim order dated 10.5.2000 of this Court in Special Civil Application No.4772 of 2000 and 4775 of 2000, the respondents in those petitions are already ordered to implement the award. In Special Civil Applications Nos.7865 and 7863 of 2000, the Assistant Government Pleaders appearing for the petitioners have earlier conceded that the workmen are already reinstated and the challenge is restricted to that part of the impugned awards whereby full backwages are ordered to be paid to the respective respondents in these petitions. It is submitted that, in both the impugned awards, there is no discussion as regards grant of full backwages and, in any case, the workmen having been temporarily employed on daily wage basis, they could not have been awarded full backwages. The learned counsel representing the respondents-workmen in these petitions submitted that the order of backwages is restricted to Rs.300 per month which is a meagre amount and the order in this regard may not be interfered with. However, in view of the fact that no evidence on either side in respect of backwages is led before the Labour

Court in the impugned awards, it is conceded under instructions from the respondents that the order as regards backwages may be modified and the employer-petitioners may be ordered to pay 50% of the backwages. Accordingly, on this concession, the impugned awards are modified to the extent that the backwages shall be paid to the respective workmen at the rate of Rs.150 per month from the dates mentioned in the award till they were reinstated in service, within six weeks from today. With this order, the earlier interim orders in Special Civil Applications Nos. 4772 of 2000 and 4775 of 2000 shall stand modified and Rule is made absolute accordingly. Special Civil Applications Nos.7865 of 2000 and 7863 of 2000 also stand allowed and Rule is made absolute to the aforesaid extent. Accordingly, with the modification as above in the impugned awards, these petitions stand disposed with no order as to costs.

Sd/-
(KMG Thilake)
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